S.B. Civil Revision Petition No.543/2006

Mohan Lal.
vs.
Smt. Sayra Devi.

Date : 4.1.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr. J Gehlot, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner sought execution of the decree passed in petitioner's petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. The petitioner also prayed under Section 151 CPC that in case, the respondent is not ready to come and live with the petitioner then she may be sent to the civil imprisonment. The executing court dismissed the petitioner's application and also dismissed the petitioner's execution petition.

In the matter of restitution of conjugal rights, the decree is not executable as sought by the petitioner because of the reason that no spouse one can be compelled to live with the other, if the other spouse is not ready to live despite the decree for restitution of conjugal rights and the purpose of such

decree is not for ventilating personal grudge against the other spouse, therefore, I do not find any illegality in the impugned orders.

Accordingly, this revision petition, having no merits, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya